



U.S. Department of Justice

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August 1, 2024

BY ECF

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Center for Biological Diversity et al. v. Nat'l Marine Fisheries
Service*, No. 24 Civ. 2576 (GHW)

Dear Judge Woods:

This Office represents defendant the National Marine Fisheries Service ("NMFS") in the above-referenced Freedom of Information Act ("FOIA") matter. In accordance with the Court's order dated July 1, 2024 (ECF No. 22), we write respectfully on behalf of the parties to provide a status report.

This matter concerns plaintiffs' FOIA request to NMFS for "the full comparability finding applications submitted" by eleven named nations "under the Marine Mammal Protection Act Imports Rule, 50 C.F.R. § 216.24(h)(6)." Between June 2022 and January 2023, NMFS made five productions of responsive material, and also withheld records in full pursuant to FOIA's statutory exemptions. Here, plaintiffs challenge the application of NMFS's claimed exemptions and seek disclosure of a handful of records that plaintiffs assert were not produced.

Since their last status report (ECF No. 21), the parties have made progress in narrowing the scope of the issues in dispute. NMFS continues to review the withheld material to determine whether release of any additional information is proper, and the parties intend to continue to confer in the coming weeks.

Accordingly, the parties respectfully request permission to submit a further status report by Wednesday, September 4, 2024. To the extent any issues remain unresolved following that status report, the parties expect that they would prepare a joint pre-motion conference letter concerning anticipated cross-motions for summary judgment.

We thank the Court for its consideration of this letter.

Respectfully submitted,

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cc: *Plaintiffs' counsel* (by ECF)